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5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**
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8 STEVEN BRAUNSTEIN,

9 *Petitioner,*

10 vs.

3:11-cv-00027-RCJ-RAM

11 **ORDER**

12 ROBERT LEGRAND, *et al.*,

13 *Respondents.*

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15 This habeas matter under 28 U.S.C. § 2254 comes before the Court on petitioner's
16 filing docketed as a notice (#8) of appeal, application (#10) for a certificate of appealability,
17 motion (#11) for permission to file a second petition at a later date, and motion (#12) to
18 amend court decision. To the extent that petitioner seeks reconsideration of the order and
19 judgment of dismissal entered on January 24, 2011, the motion is filed within the time period
20 for seeking such relief under Rule 59 of the Federal Rules of Civil Procedure.

21 The prior order and judgment dismissed the entire petition without prejudice on the
22 basis that the petition was successive as to Grounds 1 and 3 and was not exhausted as to
23 Ground 2. On the showing and arguments made, the Court is not persuaded that the
24 dismissal of the petition without prejudice was incorrect.

25 IT THEREFORE IS ORDERED that the motion (#12) to amend decision is DENIED.

26 IT FURTHER IS ORDERED that the motion (#11) for permission to file a second
27 petition at a later date is DENIED insofar as the present action is concerned. The Court
28 expresses no opinion as to the disposition of any action not presently before it.

1 IT FURTHER IS ORDERED that petitioner's application (#10) for a certificate of
2 appealability is DENIED, as per the denial of a certificate of appealability in the prior order.

3 IT IS SO ORDERED.

4 DATED: This 30th day of March, 2011.

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7 ROBERT C. JONES
8 United States District Judge
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